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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,015	07/10/2003	Yingjian Chen	NANOTUBE03	3073
7590 YINGJIAN CHEN 1123 WISTERIA DRIVE FREMONT, CA 94539				
06/27/2008				
EXAMINER				
GARR, JASON M				
ART UNIT		PAPER NUMBER		
2627				
MAIL DATE		DELIVERY MODE		
06/27/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/617,015

**Applicant(s)**

CHEN, YINGJIAN

**Examiner**

JASON M. GARR

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 July 2003.  
2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.  
7) ☒ Claim(s) 1-18 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 10 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/CI/CDC)  
Paper No(s)/Mail Date 7/10/2003

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. Figures 2, 6 and 8 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claims 1-18 are objected to because they do not conform to the proper claim format. Specifically, each claim must be the object of a [i.e., one] sentence. See MPEP §608.01(m). These claims are replete with extraneous capital letters and periods, which form multiple sentences within a single claim.

Appropriate correction is required.

3. Claim 5 is objected to for the following informality: the limitation "A single or a plurality of vertically aligned carbon nanotubes," in line 4 of the claim, should be --said single or plurality of vertically aligned carbon nanotubes--.

Appropriate correction is required.

4. Claims 6, 8, 14 and 17 are objected to for the following informality: the limitation "the spin valve fabrication process comprising:" in each claim should be --wherein the spin valve is fabricated by a process comprising:--.

Appropriate correction is required.

***Allowable Subject Matter***

5. Claims 1-18 are allowed.

6. The following is an examiner's statement of reasons for allowance:

Applicant claims, *inter alia*, a spin valve having a ferromagnetic free layer, a ferromagnetic pinned layer, and a single or plurality of carbon nanotubes residing between said free layer and said pinned layer. Said carbon nanotubes are in electrical contact with said free and pinned layers.

The prior art teaches a hard disk drive (HDD) having a flexure and a head slider, a conductor comprised of carbon nanotubes electrically connecting said flexure and head slider [Sato et al., US 2003/0123189]; a magnetoresistive (MR) sensor having a lower electrode electrically connected to an MR film using carbon nanotubes [Segawara, US 6,828,039]; And a carbon nanotubes electrode disposed in an HDD for discharging electric current between said electrode and a magnetic recording medium to heat the magnetic recording medium [Ushida et al., US 2006/0092542].

The claims are distinguished over the prior art because the carbon nanotubes of the present invention form an electrical contact between the free layer and the pinned layer of a spin valve.

Due to the aforementioned claim limitations, together with the other limitations recited in the claims, the prior art alone or in combination fails to anticipate or make obvious the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

### ***Conclusion***

8. This application is in condition for allowance except for the following formal matters:
- Outstanding objections to the drawings exist, as detailed in paragraph 1 above.
  - Outstanding objections to the claims exist, as detailed in paragraph 2 above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON M. GARR whose telephone number is (571)270-1352. The examiner can normally be reached on M-F: 8:00 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 517-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrea L Wellington/  
Supervisory Patent Examiner,  
Art Unit 2627

/Jason M Garr/  
Examiner, Art Unit 2627